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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,061	09/26/2003	Jennifer Chamblee	020375-038600US	1241
20350	7590	02/27/2007	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			HAGEMAN, MARK	
		ART UNIT		PAPER NUMBER
				3653
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/27/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/673,061	CHAMBLEE ET AL.	
	Examiner	Art Unit	
	Mark Hageman	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 February 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-8, 13-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-8,13,14 and 17-20 is/are rejected.

7) Claim(s) 15 and 16 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

In view of the Pre-Appeal brief request for review dated 2-1-2007 the finality of the previous office action is withdrawn and prosecution is hereby reopened.

Claim Rejections - 35 USC § 112

1. Claims 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 18 contains "receiving a mail drop comprising a plurality of trays of mail items, each mail item being addressed to a common recipient." This new matter as there is not disclosure of this limitation in the specification. The specification discloses the mail items within each tray are for a common recipient (para 7 lines 3+) but fails to disclose that every mail piece within the mail drop is addressed to a common recipient as set forth in claim 18. As understood by the examiner claim 18 requires that each mail item is addressed to a common recipient therefore there must be at least 2 trays each containing at least 2 mail pieces with all four mail pieces being addressed to a common recipient. The specification does not include this limitation. Further the specification actually discusses sorting the incoming mail drop by client (addressee), when it is received, into the trays such that each tray (not the entire mail drop) contains mail items addressed to a common recipient.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,219,994 to Taniguchi in view of US 6,801,833 to Pintsov et al. Taniguchi discloses a plurality of trays (41) that are each adapted to hold a plurality of mail items; a plurality of mail processing machines that are adapted to process the mail items (42, 43), through any of a plurality of distinct processing paths through the plurality of mail processing machines (figure 3). Taniguchi does not disclose a tray tag generator that is configured to produce tray tags wherein each of the plurality of trays is associated with a tray tag, wherein each tray tag includes recipient information identifying processing requirements relating to the recipient of the mail items in the tray associated with the tray tag, a plurality of tray tags, wherein each tray is associated with a tray tag that includes recipient information identifying processing requirements relating to the recipient of the mail items in the tray associated with the tray tag; and a process management system that is configured to receive processing status information relating to the trays and output the information upon request, readers such as bar code and emissive tag readers for reading the information from the tray tags and obtaining the process status information by reading information from tray tags. The language "wherein the mail

items are addressed to a common recipient," in claims 1 and 5 is not given patentable weight as this limitation is directed to the material being worked upon. As set forth in MPEP 2115 "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim."

Pintsov discloses disclose a tray tag generator that is configured to produce tray tags (col. 3, lines 31+), wherein each of the plurality of trays is associated with a tray tag (28), wherein each tray tag includes recipient information identifying processing requirements relating to the recipient of the mail items in the tray associated with the tray tag (col. 3, lines 32+; col. 4, lines 31 a plurality of tray tags (28), wherein each tray is associated with a tray tag that includes recipient information identifying processing requirements relating to the recipient of the mail items in the tray associated with the tray tag (col. 3, lines 32+; col. 4, lines 31+); and a process management system that is configured to receive processing status information relating to the trays and output the information upon request (col. 4, lines 58+; col. 5, lines 12+), readers (col. 5 lines 5+) such as bar code and emissive tag readers for reading the information from the tray tags (col. 2 lines 51+) and obtaining the process status information by reading information from tray tags (col. 5, lines 5+) for purpose of minimizing the probability that a mailer or the post office will misassemble or misroute a mailing (abstract).

It would have been obvious to one of ordinary skill in the art at the time to applicant's invention to have modified Taniguchi to include the tray tag system, as taught by Pintsov and discussed in detail above, for purpose of minimizing the probability that a mailer or the post office will misassemble or misroute a mailing.

4. Claims 13, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pintsov in view of Taniguchi. Pintsov discloses receiving a mail drop comprising a plurality of trays (21) of mail items (col. 4, lines 58+); associating each tray with a tray tag (28), wherein each tray tag includes recipient information identifying processing requirements relating to the recipient; segmenting the mail into a plurality of process segments depending upon certain characteristics of the mail items; processing each of the plurality of process segments through different processes such that each process segment has a status with respect to its process (col. 4, lines 64+); using the tray tag to periodically update at least one process segment's status information in a process management system, wherein the at least one process segment is from a particular tray; and using the status information of the at least one process segment to manage the processing of a different process segment from the particular tray (col. 5, lines 1+). Pintsov does not disclose each tray contains mail items addressed to a common recipient. Taniguchi discloses sorting and wrapping a group of mail items addressed to same destination and depositing the mail items in a delivery agency such as a post office or a private carrier (c2 lines 22+) for the purpose substantially reducing charges or postage (c2 lines 35+) and reducing the volume of postal items, deliveries, and handling work of delivery agencies (c2 lines 45+).

It would have been obvious to one ordinary skill in the art at the time of the applicant's invention to have modified Pintsov to include each tray containing mail items addressed to a common recipient, as taught by Taniguchi, for the purpose substantially reducing charges or postage (c2 lines 35+) and reducing the volume of postal items,

deliveries, and handling work of delivery agencies (c2 lines 45+). The combination of Pintsov in view of Taniguchi would result in the mail being received in Pintsov being prewrapped in bundles of mail items addressed to a common recipient.

With regards to claim 14, Pintsov further discloses the tray tag includes a bar code for scanning the recipient information from the tray tag (col. 2, lines 51+).

With regards to claim 17, the reference further discloses the process management system comprises a computing device and software that programs the computing device to: receive information relating to the status of a specific process segment from a tray; and display information relating to the status of the specific process segment from the tray in response to a request from a user (col. 5, lines 30+).

Allowable Subject Matter

5. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-8 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCH



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